

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH GUGLIELMO,

Plaintiff,

-v-

CYCLE GEAR, INC.,

Defendant.

20-CV-5924 (JPO)

OPINION & ORDER

J. Paul Oetken, United States District Judge:

Plaintiff Joseph Guglielmo commenced this action for violations of the Americans with Disabilities Act on July 30, 2020. (Dkt. No. 1.) On August 31, 2020, Plaintiff filed notice stating that he served Defendant on July 31, 2020, making the answer due August 21, 2020. (Dkt. No. 6). On September 4, 2020, with no answer having been filed and no appearance entered for Defendant, Magistrate Judge Cave directed Plaintiff to request a Certificate of Default from the Clerk of Court, and to file a Motion for Default Judgment. (Dkt. No. 7.) Plaintiff filed a proposed Certificate of Default (Dkt. No. 8) and requested an extension of time to submit the Motion for Default Judgment. (Dkt. No. 10).

Judge Cave granted the request and directed Plaintiff to file the Motion for Default Judgment by October 9, 2020. (Dkt. No. 11.) Plaintiff did not file a Motion for Default Judgment or request an extension to do so, and on October 13, 2020 Judge Cave directed Plaintiff to show cause by October 27, 2020 as to why this case should not be dismissed for failure to prosecute, warning that failure to do so could result in dismissal of the action. (Dkt. No. 14.)

As of the date of this Order, Plaintiff has not responded to Judge Cave's order to show cause. Accordingly, this case is dismissed for failure to prosecute without prejudice.

The Clerk is directed to enter judgment in favor of Defendants and to terminate the case.

SO ORDERED.

Dated: November 13, 2020  
New York, New York



J. PAUL OETKEN  
United States District Judge